

Vaiya Alfiaz

## **Combating hate crime, TND side event**

**HDIM, Warsaw, 26 September 2016**

I would like to begin with thanking the OSCE for hosting today's side event and inviting me to speak. It is also pleasing to speak today at this event because it brings together relevant actors and experts from EU Agencies who have a direct role in dealing with the legislation and policies.

I am the coordinator of ARDI. Fighting hate crime is one of ARDI's political priorities and we have been working together with colleagues in the European Parliament to ensure that we fight against all hate crimes and particular forms of intolerance such as Antisemitism, anti-Muslim hatred, xenophobia and anti-migrant hatred, antigypsyism, afrophobia, homophobia and transphobia and hate crimes against persons.

There are constant reports and statistics showing that hate crimes and speech are on the rise, resulting in individuals from minority groups living in fear of harassment and violence.

According to the OSCE ODIHR hate crime data for 2014, which was released last November, civil society organisations reported 4259 bias-motivated incidents against Christians, Muslims, Jews, Roma, LGBTI people and people with disabilities whilst the UN has recently launched its Decade for People of African Descent because of the multiple, aggravated or intersecting forms of discrimination people of African descent face.

It is extremely important that the legal definition of hate crimes is clear, since this is an important way for the society to acknowledge the existence of racism and discrimination, and also to condemn them. However, we have seen that hate crimes are not reported and identified in a coherent way within the police and the justice system. There is obviously a lack of clear definition as well as sufficient training in how to identify, investigate and prosecute hate crimes.

Moreover, it is important that we push for collecting of data on hate crimes in a coherent and systematic way. This is of course dependent on a clear and coherent definition of hate crimes, which today is very diverse across Europe.

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Another problem is the underreporting of hate crimes, which is often due to the lack of trust in police and the justice system. Sometimes, it is the police and public authorities themselves who are exercising hate crimes or other forms of discrimination.

There is a gap between the knowledge and experiences of civil society and the practice of police and justice system. The police and public authorities must learn from the experiences and expertise of civil society, and there needs to be greater cooperation with civil society organisations who represent groups subject to hate crimes.

The cause of hate crimes is clearly connected to and affected by political leadership. There has been a constant stream of concerning comments from politicians across Europe that fall short of the responsibilities they have as public figures and opinion leaders. In recent months, politicians have disseminated false information and engaged in hate speech for political gain. Actions such as these are all the more damaging when they are propagated by politicians.

We therefore have a responsibility, to stand firm against nationalism and populism and reject discrimination in all its forms. This can be achieved by discussing solutions and implementing concrete actions, as well as amplifying voices of tolerance and respect.

An important element of this is promoting understanding and tolerance of different communities through the use of respectful language when referring to minorities, and to respect and uphold the dignity and rights of all individuals.

Although we have EU legislation on criminalising hate crimes, in its report of 21 January 2014 on the implementation of the Council framework decision on combating certain forms and expressions of racism and xenophobia by means of criminal law, the Commission concluded that it was not fully or correctly transposed in all Member States.

We are pushing the Commission to make sure that EU legislation on hate crime is respected in the Member States. Even though the Commission has been able to initiate infringement proceedings against the Member states that have not implemented this legislation since 1st December 2014, they have not taken any action yet.

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It is more important than ever for all of us working on combatting racism, xenophobia, homophobia, transphobia etc to work together against all forms of discrimination. In times when the far right is growing and gaining in popularity, I think we cannot afford to work alone or only on one ground of discrimination at a time. We must fight for all of our rights and against all forms of discrimination.

Finally this year we commemorated the 71th anniversary of the Holocaust, in which more than six million innocent people were murdered, many because of their faith, ethnicity, sexual orientation or gender identity. At the same time history is repeating itself in Europe with the rise of extreme right parties, and xenophobic and racist rhetoric resulting in a general increase in hate speech and hate crime. Yet the EU has failed to put in place anti-discrimination or hate crime/speech protections in place to protect LGBTI persons and for other grounds such as religion or belief, disability and age. This is quite simply wrong and we are pushing the EU and Member States to move forward with creating protections for these groups such as adopting the Anti-discrimination Directive.